



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV. 28 2017

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

Approved OMB 2020-0003  
Approval expires 06/30/2020

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

[katelyn.wilson@sigsauer.com](mailto:katelyn.wilson@sigsauer.com)

Katelyn Wilson  
Sig Sauer, Inc.  
72 Pease Boulevard  
Newington, New Hampshire 03801

Reference: [1] Freedom of Information Act Request **EPA-HQ-2017-009682**  
[2] Purchase Order Numbers EP-11H-000926 and EP-11H-000928  
Request for Substantiation of Confidential Business Information (CBI) Claim

Dear Ms. Wilson:

The Environmental Protection Agency (EPA) received a request under the Freedom of Information Act (FOIA) asking for a copy of Purchase Order Numbers EP-11H-000926 and EP-11H-000928 for 092211 EPA-OIC 229 Pistol Parts Suppressor/Silencers. You asserted a claim of business confidentiality covering part of this information. In accordance with the EPA FOIA regulations, Title 40 CFR Part 2, the request has been initially denied to afford you an opportunity to substantiate your claim before a final determination is made. An unredacted copy and a redacted copy of Purchase Order Numbers EP-11H-000926 and EP-11H-000928 are enclosed for your review.

This letter is to notify you that the EPA Office of General Counsel will be making a final confidentiality determination concerning the unit pricing information contained in the above-mentioned portions of the contract documents. Based upon the information you submit in response to this letter, the EPA will make a final determination concerning your claim. If you feel that some of the unit pricing information contained in Purchase Order Numbers EP-11H-000926 and EP-11H-000928 are entitled to confidential treatment, please specify by page, clause, and line number or column which portions of the information that you consider confidential. Any information not specifically identified as subject to a confidentiality claim will be disclosed to the requester without further notice to you.

For each item or class of information that you identify as being subject to your claim, please answer the following questions:

1. For what period of time do you request that the information be maintained as confidential? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
5. Is the information contained in any publicly available materials such as promotional publications, annual reports, articles, etc.? Is there any means by which a member of the public could obtain access to the information?
6. For each category of information claimed as confidential, discuss with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is "voluntarily submitted?" If so, explain why and how disclosure would tend to lessen the ability of the EPA to obtain similar information in the future.
8. Any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

For contract-related CBI: Enclosed is EPA Class Determination I-95 entitled ***"Confidentiality of Certain Business Information Submitted by Contractors and Prospective Contractors,"*** which addresses the treatment of different types of information related to contracts. You may consider reviewing Class Determination I-95 as you develop your response by going to the following link:  
<http://www.epa.gov/contracts/freedom-information-act-class-determination-1-95>.

I-95 as you develop your response by going to the following link:  
<http://www.epa.gov/contracts/freedom-information-act-class-determination-1-95>.

Please note that you **bear the burden of substantiating your confidentiality claim** pursuant to Title 40 CFR § 2.208(e). Conclusory allegations will be given little or no weight in the determination. If you wish to claim any of the information in your response as confidential, you must mark the response “**CONFIDENTIAL**” or with similar designation, and you must bracket all text so claimed. Information so designated will be disclosed by the EPA only to the extent allowed by and by means of the procedures set forth in Title 40 CFR Part 2. If you fail to claim the information as confidential upon submission, it may be made available to the public without further notice to you.

Your comments **must** be postmarked or hand delivered to this office at the address listed below by the 15<sup>th</sup> working day after your receipt of this letter. You may seek an extension of time to submit your comments, but the request must be made to the Office of General Counsel before the end of the 15-day period. Except in extraordinary circumstances, no extension will be made without the permission of the requester. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim, and the EPA will be free to release the information.

Please address your comments to the following and reference for identification purposes  
**EPA-HQ-2017-009682:**

Mailing address:  
Mildred A. Jackson  
U.S. Environmental Protection Agency  
Office of Acquisition Management  
Policy, Training and Oversight Division  
Management Support Service Center  
1200 Pennsylvania Avenue, NW (3802R)  
Washington, DC 20460

Hand-delivery address:  
Mildred A. Jackson  
U.S. Environmental Protection Agency  
Ronald Reagan Building, Room 61274  
Office of Acquisition Management  
Policy, Training and Oversight Division  
Management Support Service Center  
1300 Pennsylvania Avenue, NW  
Washington, DC 20004

Should you have any questions concerning this matter, please contact Lynn Kelly,  
Office of General Counsel, at (202) 564-3266 and reference for identification purposes  
**EPA-HQ-2017-009682.**

Sincerely,

A handwritten signature in black ink, appearing to read "Raoul D. Scott, Jr.", followed by a horizontal line.

Raoul D. Scott, Jr., Director  
Office of Acquisition Management  
Policy, Training and Oversight Division  
Office of Acquisition Management (3802R)

Enclosures